

LOSS OF HEALTH CARE COVERAGE
FOR MORRELL RETIREES

Mr. PRESSLER. Mr. President, I join my colleague, Senator DASCHLE, in efforts to find a solution for the Morrell retirees' who have lost their health benefits.

Nearly 1,200 Morrell retirees living in South Dakota have had their health insurance benefits terminated. Many retirees cannot purchase a private health insurance plan. Under the terms of their retirement contract with John Morrell & Co., health insurance benefits were provided to all retirees. But like so many retirees, they have found the ground rules changed. John Morrell & Co. has terminated their health benefits. This decision has caused great hardship for many South Dakota citizens. Benefits, which they were promised and which they earned, have been terminated.

I have taken steps to correct this problem. I have written to Mr. Carl Lindner, president of the Morrell parent company, Chiquita Brands. I asked that they reverse their earlier decision to terminate benefits. In addition I have drafted legislation, which I am garnering support for, which would reduce the health insurance deduction for corporations that terminate health insurance benefits of their retirees. Specifically, my proposal would limit a company to deduct just 25 percent of their health insurance costs—if they terminated the health benefits of their retirees.

The union has appealed this decision and the matter next goes before the Supreme Court. I am working on an amicus brief and hope to file this on behalf of the retirees.

I am prepared to assist in legislation, or take any needed steps, to find a solution. This will be very difficult. However, I am hopeful this can be resolved.

I did want to rise on the Senate floor to say that I am very concerned about what has happened to those retirees who have lost their health insurance in a contract dispute which sprung out of a long and difficult labor dispute that has been going on near the meat packing plant of John Morrell & Co. in Sioux Falls, SD.

So, Mr. President, I wish to announce that I am also prepared to join in a legislative effort to protect not only these retired workers, but other retired workers who believed that they had health care coverage into their retirement. We must make it clearer to people what these contracts contain. I think both unions and management have an obligation to be clearer and more careful about the rights of these elderly retirees in the medical area.

Mr. SIMPSON. Mr. President, I thank the Chair.

(The remarks of Mr. SIMPSON pertaining to the introduction of S. 559 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Maine.

Mr. COHEN. Mr. President, I ask unanimous consent I be allowed to proceed in morning business for a period of time not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFFIRMATIVE ACTION

Mr. COHEN. Mr. President, I have been planning to take the floor for some time this week and have not been able to do so, given the Senate's schedule prior to this time. I was not aware that Senator DOLE would be taking the floor to talk about affirmative action.

First, let me say that I have the highest regard and respect for Senator DOLE and I agree completely with what he said earlier that no one—no one—can criticize his position on civil rights or on policies that would benefit those who suffer from any sort of affliction or disability.

Especially in the field of civil rights, he has been a leader. No one can question his motivations. I think he is correct to start calling attention to some revisions that may be necessary in dealing with affirmative action.

Having said that, I want to point out that affirmative action has moved apparently to the center stage of this country's political agenda. Critics of programs designed to address centuries' old discrimination range all the way from Presidential contenders to syndicated columnists.

Some argue that our Nation is or should be colorblind and our laws race and gender neutral. Some have argued—and I am paraphrasing, but I think correctly—that reverse discrimination is as bad as slavery. I want to repeat they believe that reverse discrimination is as bad as slavery. I suggest, perhaps, a reading of Alex Haley or James Baldwin or Gordon Parks might be beneficial in dismissing such a preposterous notion.

One writer has written that, "Compensatory opportunity is advocated by those who want to remedy the presumed victimization of certain groups in the past." Mr. President, since victimization has only been presumed, apparently like the Holocaust, it has to be proven in the present and in the future time and time again.

It is also said that preferential treatment based on race, gender or ethnicity is inherently anti-American and contributes to the polarization of the American people. Finally, some say that 30 years is long enough to compensate for the four centuries of our fathers' sins.

Mr. President, I should point out that these critics of affirmative action are not confined to angry white males. There are a number of prominent blacks, some of whom have no doubt been the beneficiaries of affirmative action programs, who now denounce the programs because of the so-called

Faustian bargain that they had to strike. They resent the fact that they now have scarlet letters "AA" stamped on their brow, which, they believe, forever identifies them as social and intellectual inferiors who could not make it on merit.

Let me say, Mr. President, as a strong supporter of programs designed to help women and African Americans and other minorities break through glass ceilings and concrete walls, I believe, as I said earlier, that no program, however well-intentioned, should be excluded from review, revision, even elimination if circumstances warrant. There is no doubt in my mind that some programs have been used and abused in ways that many of us who are the authors and supporters of affirmative action never anticipated. The Viacom deal, which is about to come before the Senate in the next week or two, is perhaps a classic case of a program that has long since outlived its usefulness. Maybe it needs to be rejected and repealed.

But I say to those who argue that we should not consider any preferential treatment on the basis of group membership, I think we have to look back into our history and look deep into our hearts and remind ourselves that we have a great deal to account for and correct based on discriminatory policies of the past—policies that continue to this very day. Judgments and jobs are not, as we would like to believe, based on the content of our character. They are, in fact, in many, many cases still based on the color of one's skin, gender or ethnic background.

I know that affirmative action is said to be a politically defining issue, a wedge issue, one that is going to drive the middle-class white voters fully into the arms of the Republican Party, leaving the minorities and women and other liberals floating in the backwash of the Democratic Party. The polls actually confirm that this wedge is politically powerful and popular as a force that will, in fact, succeed in dividing segments of our society into clearly defined political camps.

Mr. President, let me say I believe any short-term political success is going to prove to be a long-term policy disaster, because what is truly at stake in the coming debate is not wedges but values.

There are two values that lie deep within the American hearts and minds. One is that every person should be given a fair chance to compete in the classroom, on the athletic fields and in the workplace. Every person under our Constitution should enjoy equal privileges and protections of the law.

Second, there should be no special privileges, no favoritism, no artificial or arbitrary rules that give something to someone that has not been earned. There should be no quotas, no rules of thumb. We want rules of reason instead.

In an ideal world, these values are not in conflict, they are in complete harmony.

But let us suppose that the world is less than ideal. Let us suppose that all the people are not treated equally over a long period of time. Suppose there are laws that discriminate against people because of their race or sex. Suppose that some people are treated as slaves or pack mules or objects of hatred and violence or as simple reproductive vessels. And suppose that some people cannot buy a home or obtain a mortgage or get a job or break through that so-called glass ceiling just because of the color of their skin. Is there anything more un-American than to deny a human being the chance to be the best that he or she can be on equal terms?

Is there anything more un-American than to isolate people in a ghetto, to put up invisible barriers by denying them jobs, opportunity, and any hope of breaking out of that prison of poverty, and then to watch in horror and outrage as their children go fatherless and the streets go white with drugs and run red with the blood of mindless violence?

Is there anything more un-American than to rob people of equal opportunity because of the pigment of their skin, the texture of their hair, the composition of their chromosomes, all while we proudly proclaim that our policies are colorblind and gender neutral?

And is there anything more hypocritical than to say that racism or sexism is a thing of the past?

Mr. President, a book I read some years ago, "Native Son," written by Richard Wright 55 years ago, told the story of what it means to be black in this country. There are many memorable scenes, but one that has stayed with me over the years is one where there are two young boys, one named Bigger and one named Gus. They look up at a pilot who is skywriting on a lazy summer day. The passage goes:

"Looks like a little bird," Bigger breathed with childlike wonder.

"Them white boys sure can fly," Gus said.

"Yeah," Bigger said wistfully. "They get a chance to do everything. I could fly a plane if I had a chance."

"If you wasn't black and if you had some money and they'd let you go to the aviation school, you could fly a plane," Gus said. . . .

Then Bigger said:

Every time I think about it, I feel like somebody's poking a red-hot iron down my throat. . . . It's just like living in jail. Half the time I feel like I'm on the outside of the world peeping in through the knot-hole in the fence. . . ."

Mr. President, that scene was memorable for me not just because it depicts innocence in a novel that is filled with horror, but because it says so much about the human spirit, about the significance of hope, and about the utter destructiveness of knowing in advance that hope can never be realized.

Well, "Native Son" is fiction. It was written more than 50 years ago now, and we know that a lot of things have

changed since that time. We know that we have Michael Jordan who may be, once again, skywriting in Chicago. We know that you can turn on your television set and watch Bryant Gumbel or Oprah Winfrey. We know we have Justice Thomas on the Court. We know that we have Colin Powell, who may be the most popular non-Presidential candidate to date on the American political scene. There are powerful women as well, Sandra Day O'Connor and Justice Ginsburg, to name a few.

Let me just say that for every Michael Jordan, for every Colin Powell, for every athlete, musician, businessperson who has succeeded, there are millions of people locked away from opportunity to this very day.

One of the things that struck me several years ago was a program I watched, I think it was on "ABC PrimeTime." The producers of that show took two attractive articulate male college graduates, one was white, one was black, and sent them out into the world followed by a hidden camera.

How was the black man treated? In a store, he was regarded with great suspicion by a security guard who followed him wherever he went. At an auto dealership he was ignored for not just minutes but nearly a half-hour or more. He went to look for an apartment and was told, "Just happened to miss it. The last one went just a few minutes ago."

Then they followed the white college graduate. Needless to say, he was treated quite differently. When he went to the store, he was welcomed with open arms. When he went to the auto dealership, he was given preferential treatment and terms. When he went to look for an apartment, the same building at which the black man had just been turned down, they said, "We have an apartment for you."

Well, the camera never blinked, not once, not twice. And not one of the participants in the film blinked. They either denied they were engaged in acts of racism or discrimination or they reacted with anger at the exposure of their behavior.

So for those today who say that racism is all a thing of the past, that we do not have to worry about it anymore, that 30 years has really leveled the playing field—it isn't true. And for those who say that affirmative action is being used to deny qualified white males their opportunity—Mr. President—that was never the goal of affirmative action. It was never the goal of affirmative action to give preference to unqualified people over qualified ones, be it in college, in graduate schools or the management level of business. We are not discriminating in favor of unqualified blacks and unqualified women.

Affirmative action is really about finding qualified people. They are out there in abundance. But either through inadvertence or deliberate neglect and rejection, they have been ignored. The pursuit has not been for mediocrity, it

has been for opportunity, to give everyone a chance to be the best that they can be.

Justice Holmes, one of my favorite Justices in the history of this country, said at one time that the tragedy that filled the old world's literature was really about people who were taxed beyond their abilities. We know the story of Sisyphus forever rolling the rock up the hill and it kept rolling back down. We know about those with the water that kept coming up to their necks but could never drink. This theme was really part of the myths and the tragedies of the ancient Greeks.

Holmes said that in modern times there is a different type of hell, a much deeper abyss, that occurs when people who are conscious of their powers are denied their chance. That is what affirmative action really has been all about, when people conscious of their power have been denied their chance. Affirmative action has provided an opportunity for the U.S. Congress and the administration to work together to help bring people who have the talent and the ability, who have been held down over the centuries—not just 30 years, over the centuries—to give them a chance to break through the barriers. Now we are suddenly saying that society is all level, we are gender neutral, we are race neutral, we do not have to worry about affirmative action anymore.

But we have not been fully successful. A recent Time magazine article shows that affirmative action has not had as positive an effect as the critics claim or supporters hope. The article cites a Bureau of Labor Statistics study from 1994 noting that whites now hold 88.8 percent of managerial professional positions, down only slightly from 91.6 percent in 1983. In that same period, blacks increased their presence in the managerial professional ranks only marginally—from 5.6 to 7.1 percent. So there have not been these great strides that the critics of the programs have now cited.

Mr. President, I say it again, I have no doubt that there are some who might use either their race or gender as an excuse for failure. The vast majority of people, however, have found that others have used their race or gender as a reason to keep them from success. So let us remove programs that are no longer necessary, let us revise ones that are not working, but let us not indulge in the delusion that the field of dreams is equal and level for all of our people. We still have a long, long way to go.

Mr. President, I yield back the remainder of my time.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Chair recognizes the junior Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you, Mr. President. I ask unanimous consent to speak in morning business for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFFIRMATIVE ACTION

Ms. MOSELEY-BRAUN. Mr. President, I want to associate myself and actually commend Senator COHEN for the statement he just made on the subject of affirmative action. I have had the pleasure of serving with Senator COHEN now since I came to the Senate 2 years ago. I have seen him in action, and I have been just overwhelmed and, frankly, very grateful that he brings to these issues, particularly the hot-button issues and issues pertaining to race, a sensibility, a level-headedness, fairness, and a perspective that is just so important to have in this body.

It is because of the work of Senator COHEN and, frankly, many of the other Senators who approach these issues with a perspective that relates to the interests of our community, that makes it easier to address these issues here than might otherwise occur.

I come to the floor, Mr. President, though, because I just left a meeting of the Finance Committee in which the committee voted to repeal a section of the Tax Code which provided for minority and female ownership of broadcast media. The argument around the repeal had come up because of a particular deal that was talked about in the newspapers, one that has been debated as to whether or not it was a good deal or fair deal.

The point is that by its action, in my opinion, the committee has essentially cemented the glass ceiling that keeps women and minorities from participating as full partners in an important industry that really goes to the very heart of the character of our country.

I say that because, Mr. President, the section that was under review, section 1071, was originally adopted back at a time when the concern was over diversity of voices in the airwaves. The notion was that our entire community had an interest in hearing a multitude of voices so as to avoid the almost Orwellian Specter of a single point of view, a single voice being communicated to the American people over the airwaves.

And so this section was initially adopted in order to provide for openness, in order to provide for inclusion, in order to provide for diversity of voice in the airwaves. At the time, by the way, Mr. President, when the broadcast spectrums were initially instituted, they were essentially given away. There was no cost associated with them at the time.

As you can well imagine, Mr. President, at the time of the giveaway of these broadcast spectrums, no women got anything for free; no minorities were at the table. It was a situation in which you could almost say there was a 100-percent set-aside for white males who knew about broadcast spectrums and the opportunities they might provide.

Subsequently, Mr. President, the Congress decided that this section of the law that provided for openness and for inclusion and for diversity of voice should be amended to provide opportunity for women and minorities to have ownership of broadcast facilities. So the tax certificate approach was used as a way, really a tax way—it was not a set-aside in the sense we think of. It was a provision in the law that allowed for the private sector to diversify the airwaves, and allowed for the private-sector actors to come together and open up ownership so there would be this diversity of voices and so there would be diversity, in fact, in the ownership of broadcast facilities.

That section of the law has been with us for awhile, and it is almost disappointing, frankly, to note that in all the years since the 1980's, when this section was amended to include women and minorities, as of today women own about 3 percent of the entire broadcast industry—3 percent—and minorities own about 2 percent of that same industry.

So for all of this time and all of the effort, we still only were able to come up with a cumulative total of about 6 percent of the entire industry owned by women and minorities—a long way, I suggest, Mr. President, from achieving the kind of diversity of voice, the kind of diversity that was originally intended by this section.

However, apparently there was a deal announced in the newspapers that involved some high-profile actors in the broadcast field, and the House took it upon itself to target that specific deal—and I will use the name, the Viacom deal—to target that transaction as the basis upon which to repeal section 1071 and thereby constitute the first shot across the bow, if you will, on affirmative action.

The chairman of the committee was actually—it was kind of almost humorous because the chairman of the committee said he never expected that the first battle on affirmative action would come in the Finance Committee. But lo and behold, I guess by the law of unexpected consequences, it wound up there, and so we had to take up the issue of what about this section of the law? Is there some unfairness here? Should we maintain it or should we repeal it?

Mr. President, the question underlying this tax certificate issue was extension of health insurance for the self-employed. We all, I think, support that. People who are self-employed ought to be able to deduct their payments for health insurance just like anybody else. And we are just now restoring a partial effort in that regard. But the question before the committee was not just the reinstitution of the 25-percent deduction for health insurance. The question before the committee was how to pay for that. Do we pay for that through the repeal of this tiny step for women and minorities in the broadcast industry, do we pay for it with the re-

peal of section 1071, or do we find some other revenue sources?

Mr. President, it was, frankly, reflected in the President's budget, and a number of the members of the committee were interested in other alternative revenue sources such as a revenue source coming from those Americans who renounce their U.S. citizenship to avoid paying taxes. That provision, had we just changed the law a little bit for those billionaires that renounce their American citizenship to avoid paying taxes, would have raised twice the money, two times the money that would have been raised by repealing section 1071.

Unfortunately—and this is why I have taken the floor this afternoon—the committee decided it was going to go ahead and repeal section 1071 nonetheless, that somehow or another this was affirmative action gone amok, that somehow or another there was some problem with this section, that is, it was open to abuse and fraud alike.

The fact is, the facts do not show that. The facts show that those few minorities and those few women who participate in the broadcast industry in an ownership capacity got there in large part because of the existence of this statute that made it, frankly, financially worthwhile for sellers to sell to them. People would sell to minorities and people would sell to women precisely because they knew that there would be some tax deferral by virtue of the ownership of these tax certificates.

To the extent the door was open or the window was open or the ceiling was cracked just a little bit, what the committee did this afternoon was to seal over the crack in the glass ceiling, to shut the window on minority ownership, to close the door on women who would own in this area, and to really seal them in and make it more difficult than before, in spite of the limited success we have had so far.

I would like to review, just for a moment, some of the numbers. I have used percentages, but just so you get a sense of it: Of the 11,586 broadcast stations—11,586 broadcast stations, 420—420 are owned by women, and 323 are owned by minorities.

With regard to television stations, of the 1,342 television stations operating in the United States, 26 are owned by women and out of that number 31 are owned by minorities. I can break the figures down further and I certainly intend to do that at some point in the future. But the point is, of this huge industry, there is just a little bit of diversity of ownership. And the committee this afternoon decided to get rid of that.

In radio, out of 10,244 radio stations, some 394 are owned by women and 292 are owned by minorities.

It would be one thing if we were just talking about ownership, and that certainly is the issue. But think what that says about the whole notion of diversity of voice. If, to the extent we have